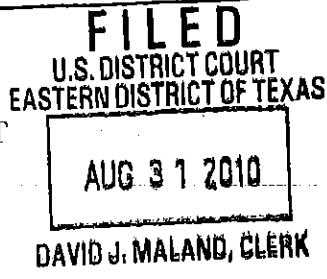


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



J. UMOREN

§

BY
DEPUTY

Plaintiff,

§

CASE NO. 4:09cv413

v.

§

§

PLANO I.S.D. BOARD OF TRUSTEES, et al.,

§

Defendants.

§

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 27, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' motions to dismiss (Dkts. 17 & 44) should be DENIED as to Plaintiff's claims of retaliation against the Plano Independent School District and that the motions should be GRANTED in all other respects.

The court, having made a *de novo* review of the objections raised by Plaintiff and Defendant's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Defendants' motions to dismiss (Dkts. 17 & 44) are DENIED as to Plaintiff's claims of retaliation against the Plano Independent School District and are GRANTED in all other respects. Plaintiff's Title VII retaliation claims against the board of trustees, Tamira Griffin, Jun Melvin, Rebecca Rockwell and John and Jane Doe are dismissed, Plaintiff's Title VII claims of racial discrimination against all Defendants are dismissed, and Plaintiff's first amendment claims under 42 U.S.C. § 1983 against all Defendants are dismissed. Plaintiff has sufficiently stated facts to allow his retaliation claims against the Plano Independent School District to proceed.

IT IS SO ORDERED.

SIGNED this 31st day of Aug., 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE